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U.S. Efforts Against the Spread of Chemical Weapons

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Following is a statement by Reginald Bartholomew, Under Secretary for Security Assistance, Science, and Technology, before the Subcommittee on International Finance and Monetary Policy of the Senate Committee on Banking, Housing and Urban Affairs, Washington, D.C., June 22, 1989.

I am pleased to have the opportunity to appear before you today to discuss with you the principal elements of our policy on chemical and biological weapons. These hearings come at a time of dynamic movement in the field of arms control. We have witnessed, and we have been the catalyst, for significant events which could affect world peace and the security of the United States for many years.

Chemical and Biological Weapons Sanctions Legislation

Let me first discuss the Administration's approach to a number of bills presently before the House and Senate which would impose sanctions on foreign countries which use chemical and biological weapons materials and technology. I want to emphasize that we welcome the interest and concern demonstrated by both Houses of Congress on this issue. To the extent that we can coordinate our respective efforts, the greater will be our prospects for success in achieving President Bush's ultimate goal of a world without chemical weapons.

I should note that there already exists legislation, including the Export Administration Act, the Arms Export Control Act, and the International Emergency Economic Powers Act, which give the President many of the authorities proposed in the pending bills.

We, nonetheless, welcome the opportunity to work with Congress to strengthen our tools for combating chemical weapons proliferation. In doing so, we agree that some forms of sanctions, if appropriately formulated, would give the Administration an additional instrument against countries that use chemical weapons and companies that aid proliferation. The key question is how sanctions would be implemented. Application of such sanctions must be subject to executive discretion, and there must be no automatic, retroactive, or extraterritorial application. Legislation should also encourage multilateral cooperation and action and avoid excessive emphasis on unilateral actions, both to maximize the deterrent effect of our efforts and to avoid discriminatory impacts on U.S. firms. We look forward to working with the committee to develop legislation in this area.

Status of the Chemical Weapons Negotiations in Geneva

The United States has been negotiating at the Conference on Disarmament (CD) in Geneva on a comprehensive treaty to ban chemical weapons from the world's arsenals. The draft treaty, tabled by then-Vice President Bush in 1984, remains the basis for negotiations. There are a number of key issues remaining to be resolved before we can conclude a comprehensive chemical weapons ban. These include, first and foremost, effective verification—including provisions for monitoring the chemical industry and for security during the destruction phase—and the protection of confidential business information and sensitive national security information and facilities. These are difficult issues, and they will take time and concerted effort by all CD members to resolve.

The United States has repeatedly affirmed its commitment to the CD negotiations. President Bush, during his address to Congress in February, stated his personal commitment to "banning chemicals from the face of the earth." He reaffirmed that commitment at the NATO summit on May 29 when he said "the alliance should support efforts to move ahead toward an effectively verifiable global chemical weapons ban. We must achieve a global chemical weapons ban as quickly as possible."

U.S. initiatives such as those that led to the Paris Conference on Chemical Weapons Use in January 1989 and the Australian Government and industry conference later this year, in September, demonstrate our commitment to the President's goal. In addition,

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while we are consulting closely with allies on our approach to the entire range of arms control issues, we also continue a regular series of bilateral discussions with the Soviet Union on chemical weapons treaty issues and on the dangerous proliferation of chemical weapons capabilities to problem countries.

U.S. Export Controls

In the interim—until a comprehensive, effectively verifiable, and truly global ban can be achieved—the United States has undertaken a number of unilateral measures to address the problem of chemical weapons proliferation. Proliferation of chemical weapons makes it more difficult to attain a global and effectively verifiable ban and greatly increases the risk of use. Through the Department of State Office of Munitions Control, the International Traffic in Arms Regulations govern the export of munitions items, including chemical agents and related equipment. The United States currently exercises foreign policy export controls on 40 designated chemical weapons precursors, 11 of which require a validated export license for export to all destinations, except to members of the Australia group, which I will describe more fully in a moment. The remainder require a validated export license for COCOM [Coordinating Committee for Multilateral Security Export Controls] proscribed destinations and/or Iran, Iraq, Syria, and Libya as well as Cuba, Vietnam, Cambodia, and North Korea. The licensing policy is to deny applications for Iran, Iraq, Syria, and Libya, while applications for Cuba, Vietnam, Cambodia, and North Korea are denied in conjunction with the general trade embargo for these countries. Exports to other destinations may be approved, unless we believe they will be used for chemical weapons purposes.

The controls are effective in preventing direct U.S. exports of the designated chemicals to targeted countries. However, controls set by the United States and other members of the Australia group have not prevented acquisition of chemicals by countries of concern. Suppliers and producers are becoming more adept at circumventing the controls, few countries practice reexport control over the chemicals, and chemicals may be purchased from countries that do not belong to the Australia group.

In addition, in order to coordinate our intragovernmental efforts to constrain chemical weapons proliferation, in February of this year, we formed an interagency interdiction committee to ensure timely and appropriate action on information on the flow of chemical weapons materials and technology to problem countries. The group monitors intelligence, coordinates proposed demarches, and provides a centralized mechanism for obtaining clearance to downgrade or release intelligence information and ensure necessary followup. We expect that this committee will contribute to the effort to slow proliferation and make it more difficult for countries of concern to maintain or acquire a chemical weapons capability.

The Australia Group

In the multilateral arena, the Australia group, to which I referred earlier, is a particularly important element of our effort to curb chemical weapons proliferation. Under the chairmanship of Australia, the group has been consulting informally since 1984 to improve the effectiveness of export controls on dual-use chemicals and to find ways to curb illegal use and proliferation of chemcial weapons.

Chemical weapons use in the Iran-Iraq war spawned formation of the Australia group in 1984. The United States supported Australian efforts to lead the group of 19 industrialized nations, whose goal is to discourage and impede chemical weapons proliferation by harmonizing national export controls on chemical weapons precursor chemicals and by exchanging information on chemical weapons proliferation and seeking other ways to curb the use of chemical weapons.

The group meets informally twice a year in Paris. Group members are: EC [European Community]–12, United States, Australia, New Zealand, Japan, Canada, Norway, and Switzerland. Austria will likely join in November. The group has no charter or constitution and operates by consensus. Agreements are not binding under international law.

The group has an informal "warning list" of 50 chemical weapons precursors. Most members share the list with their chemical industry and ask chemical firms to report and turn down transactions which might be associated with the chemical weapons programs of Iran, Iraq, Libya, and Syria. The United States itself controls 40 of these 50 chemical weapons precursors and is looking at bringing the other 10 under control with regard to those four countries. A subset of the warning list is a group of nine "core list" chemicals for which Australia group members have commited themselves to impose domestic export controls to ensure peaceful and legitimate end use.

At the last meeting, in May 1989, the group continued to make progress on adding new chemicals to the warning list and responded favorably to a U.S. proposal on information exchange. The next meeting is scheduled for mid-December 1989.

The Australia group has enjoyed a measure of success. Its efforts have made it more difficult for would-be proliferators and others to obtain chemical weapons precursors. But, it, unfortunately, remains true that countries intent on acquiring such chemicals can still do so.

Australia Government and Industry Conference on Chemical Weapons

Another element of our approach to addressing chemical weapons proliferation has been to call attention to the problem on a global scale. At U.S. initiative, the Paris Conference on Chemcial Weapons Use was held in January. As a further step, at the Vienna meeting of foreign ministers on March 6, Secretary Baker called for an international conference of governments and the chemical industry, which Australia has agreed to host, September 18–22, 1989, in Canberra. We believe that this will be an excellent opportunity to involve industry and governments worldwide in the common effort to control the trade in chemical weapons precursors, as well as to gain industry support for the Geneva negotiations on a chemical weapons ban. We hope that the conference will focus particularly on government and industry cooperative efforts to control the movement of precursors in international commerce.

U.S. Diplomatic Efforts Against Chemical Weapons Proliferation

In addition, the United States is engaged in a major diplomatic effort specifically to prevent the acquisition by problem countries of a chemical weapons capability. We have publicly called on all governments to halt whatever assistance they, or their firms or citizens, might be providing to Libyan and other would-be proliferators. Privately and confidentially, we have also raised specific concerns with several governments concerning reported involvement by firms in their country in these chemical weapons programs. Several governments have subsequently taken significant steps to help prevent fur-

ther foreign assistance to problem countries. The United States will continue its vigorous diplomatic efforts to encourage others to take action which will help ensure that Libya and other would-be proliferators do not succeed in achieving full-scale chemical weapons production. For example, we have consulted closely with the Government of Japan concerning the involvement of Japanese firms at a metal fabrication plant adjacent to the Libyan chemical weapons plant at Rabta. The Government of Japan informed us that, as of July 1988, Japanese firms had ceased all involvement with the metal fabrication plant. In addition, the Japanese Government has taken a number of measures on its own initiative to strengthen export controls on precursor chemicals.

We also have consulted closely with the Federal Republic of Germany and are gratified by the legislation introduced in Bonn which would greatly tighten laws against the export of chemical weapons precursors and technology. We understand that legislation would make it a crime for a citizen of the Federal Republic to participate in the construction of chemical weapons facilities like the one at Rabta. In addition, the European Community—at West German initiative—has taken up the chemical weapons issue on an urgent basis, has called for EC-wide export controls on eight chemicals, and is considering ways to coordinate export controls on other chemical weapons-related commodities, including equipment.

We believe that the full range of our nonproliferation efforts, through participation in the Australia group, diplomatic overtures to allies and others, and consultations with the chemical industry, have helped to impede the spread of chemical weapons capabilities. While we cannot claim to have stopped the traffic in chemical weapons materials and technology, we have succeeded in enlightening responsible government and industry leaders to the problem and in enlisting their cooperation and have made it that much more difficult for states to acquire or expand chemical weapons capabilities.

Withdrawal of U.S. Chemical Weapons Stocks From West Germany

The President has also pledged to seek ways to accelerate the withdrawal of the unitary chemical weapons stocks from the Federal Republic of Germany. As the committee is aware, there was an existing political commitment to withdraw those stocks by the end of 1992. This was in response to the concerns of our German ally.

Accordingly, the President determined—after consultation with allies and, in particular, with the German Government—to announce our intention to explore ways and means of accelerating chemical weapons withdrawal. In announcing the President's decision in his speech at the Vienna meeting of foreign ministers on March 6, Secretary Baker also challenged the Soviet Union to respond to our announcement by beginning the removal of their vast chemical weapons stockpile facing Western Europe.

In this respect, President Bush has led the way in the movement for greater progress in chemical weapons arms control, and we are calling on the Soviets to match us with positive actions. The positive effect of our chemical weapons arms control efforts serves our foreign policy and national security interests in other areas of arms control policy as well. Progress in one area promotes progress across the board.

Biological Weapons Proliferation

Unfortunately, today, a number of countries are also estimated to be working to achieve a biological weapons capability. The United States, itself, unconditionally renounced all aspects of offensive biological warfare in 1969. We then followed up this unilateral action by leading the fight for an international ban, the 1972 Biological and Toxin Weapons Convention. After the convention was completed, many hoped that the security problem posed by biological and toxin weapons had been solved, although the absence of verification and enforcement provisions in the convention were recognized as significant limitations on its effectiveness.

We are especially concerned about the spread of biological weapons in unstable areas and about the prospects of biological and toxin weapons falling into the hands of terrorists or into the arsenals of those states which actively support terrorist organizations. To date, we have no evidence that any known terrorist organization has the capability to employ such weapons nor that states supporting terrorism have supplied such weapons. However, we cannot dismiss these possibilities. If the proliferation of biological weapons continues, it may be only a matter of time before terrorists do acquire and use these weapons.

We must continue to strive to prevent biological weapons proliferation by reinforcing the moral, legal, and political constraints against biological weapons and, where feasible, seek to prevent states from obtaining sensitive materials for biological weapons purposes. This will be a particularly difficult task, and, quite frankly, we do not have the answers yet on how to achieve this. We do know that we cannot do it alone. Our efforts to constrain biological weapons proliferation will also require a sustained multilateral approach, involving both U.S. leadership and cooperation with friends and allies. ■

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